

of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2014.

BARACK OBAMA.

THE WHITE HOUSE, February 25, 2014.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1502

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN of Tennessee) at 3 o'clock and 2 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## FOIA OVERSIGHT AND IMPLEMENTATION ACT OF 2014

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1211) to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for greater public access to information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1211

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "FOIA Oversight and Implementation Act of 2014" or the "FOIA Act".

### SEC. 2. FREEDOM OF INFORMATION ACT AMENDMENTS.

(a) **ELECTRONIC ACCESSIBILITY.**—Section 552 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking "for public inspection and copying" and inserting "in an electronic, publicly accessible format" each place it appears;

(ii) by striking "and" and inserting a semicolon;

(iii) by striking subparagraph (E) and inserting the following new subparagraphs:

"(E) copies of all releasable records, regardless of form or format, that have been requested three or more times under paragraph (3); and

"(F) a general index of the records referred to under subparagraphs (D) and (E);"; and

(iv) in the matter following subparagraph (F) (as added by clause (ii) of this subparagraph)—

(I) by striking "subparagraph (D)" and inserting "subparagraphs (D) and (E)"; and

(II) by striking "subparagraph (E)" and inserting "subparagraph (F)"; and

(B) in paragraph (7)—

(i) in subparagraph (A), by striking "that will take longer than ten days to process"; and

(ii) in subparagraph (B), by inserting "automated" after "provides";

(2) in subsection (g), by striking "make publicly available upon request" and inserting "make available in an electronic, publicly accessible format"; and

(3) by adding at the end the following new subsection:

"(m) **FOIA WEB SITE REQUIRED.**—Not later than one year after the date of enactment of this subsection, the Office of Management and Budget shall ensure the existence and operation of a single website, accessible by the public at no cost to access, that allows the public to—

"(1) submit requests for records under subsection (a)(3);

"(2) receive automated information about the status of a request under subsection (a)(7); and

"(3) file appeals.".

(b) **PRESUMPTION OF OPENNESS.**—Section 552(b) of title 5, United States Code, is amended in the matter following paragraph (9), by inserting before "Any reasonably segregable portion" the following: "An agency may not withhold information under this subsection unless such agency reasonably foresees that disclosure would cause specific identifiable harm to an interest protected by an exemption, or if disclosure is prohibited by law.".

(c) **THE OFFICE OF GOVERNMENT INFORMATION SERVICES.**—Section 552 of title 5, United States Code, is amended—

(1) in subsection (a)(4)(A)(i), by striking "the Director of the Office of Management and Budget" and inserting "the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Information Services,"; and

(2) by amending subsection (h) to read as follows:

"(h) **THE OFFICE OF GOVERNMENT INFORMATION SERVICES.**—

"(1) **ESTABLISHMENT.**—There is established the Office of Government Information Services within the National Archives and Records Administration. The head of the Office is the Director of the Office of Government Information Services.

"(2) **REVIEW OF FOIA POLICY, PROCEDURE, AND COMPLIANCE.**—The Office of Government Information Services shall—

"(A) review policies and procedures of agencies under this section;

"(B) review compliance with this section by agencies;

"(C) identify methods that improve compliance under this section that may include—

"(i) the timely processing of requests submitted to agencies under this section;

"(ii) the system for assessing fees and fee waivers under this section; and

"(iii) the use of any exemption under subsection (b); and

"(D) review and provide guidance to agencies on the use of fees and fee waivers.

"(3) **MEDIATION SERVICES.**—The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and agencies as a non-exclusive alternative to litigation and, at the discretion

of the Office, may issue advisory opinions if mediation has not resolved the dispute.

"(4) **SUBMISSION OF REPORT.**—

"(A) **IN GENERAL.**—The Office of Government Information Services shall not less than annually submit to the committees described in subparagraph (C) and the President a report on the findings from the information reviewed and identified under paragraph (2), a summary of the Office's activities under paragraph (3) (including any advisory opinions issued), and legislative and regulatory recommendations to improve the administration of this section.

"(B) **ELECTRONIC AVAILABILITY OF REPORTS.**—The Office shall make available any report submitted under paragraph (A) in a publicly accessible format.

"(C) **CONGRESSIONAL SUBMISSION OF REPORT.**—The committees described in this subparagraph are the following:

"(i) The Committee on Oversight and Government Reform of the House of Representatives.

"(ii) The Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate.

"(D) **DIRECT SUBMISSION OF REPORTS AND TESTIMONY.**—Any report submitted under paragraph (A), any testimony, or any other communication to Congress shall be submitted directly to the committees and the President, without any requirement that any officer or employee outside of the Office of Government Information Services, including the Archivist of the United States and the Director of the Office of Management and Budget, review such report, testimony, or other communication.

"(5) **SUBMISSION OF ADDITIONAL INFORMATION.**—The Director of the Office of Government Information Services may submit additional information to Congress and the President that the Director determines to be appropriate.

"(6) **ANNUAL MEETING REQUIRED.**—Not less than once a year, the Office of Government Information Services shall hold a meeting that is open to the public on the review and reports by the Office and permit interested persons to appear and present oral or written statements at such meeting.".

(d) **PUBLIC RESOURCES.**—Section 552(a)(6)(A) of title 5, United States Code, is amended—

(1) in clause (i), by striking "of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and" and inserting the following: "of—

"(I) such determination and the reasons therefor;

"(II) the right of such person to seek assistance from the agency FOIA Public Liaison; and

"(III) the right of such person to appeal to the head of the agency any adverse determination, within a period determined by the agency that is not less than 90 days after the receipt of such adverse determination; and"; and

(2) in clause (ii), by striking the period and inserting the following: "and the right of such person to seek dispute resolution services from the agency FOIA Public Liaison or the Office of Government Information Services."

(e) **ADDITIONAL DISCLOSURE OF INFORMATION REQUIREMENTS.**—Section 552(a) of title 5, United States Code, is amended by adding at the end the following new paragraphs:

"(8) **DISCLOSURE OF INFORMATION FOR INCREASED PUBLIC UNDERSTANDING OF THE GOVERNMENT.**—Each agency shall—

"(A) review the records of such agency to determine whether the release of the records would be in the public interest because it is likely to contribute significantly to public